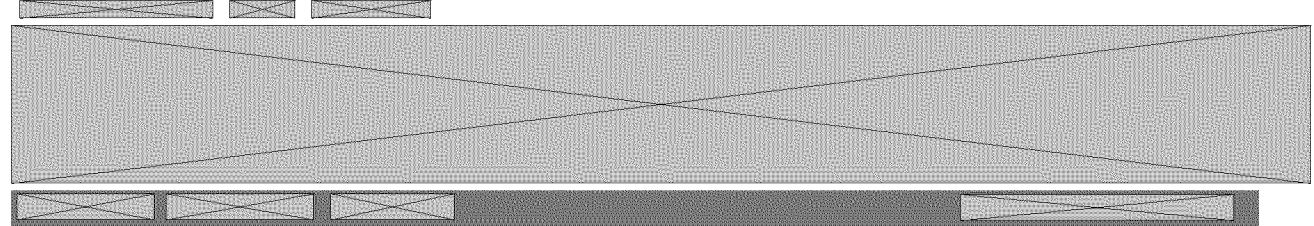


**To:** Manzanilla, Enrique[Manzanilla.Enrique@epa.gov]  
**From:** BNA Highlights  
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### **Afternoon Briefing - Your Preview of Today's News**

The following news provides a snapshot of what Bloomberg BNA is working on today. Read the full version of all the stories in the final issue, published each night.

## **California Unveils Draft Clean Power Plan Compliance Strategy**

*Posted August 03, 2016, 4:09 P.M. ET*

By [Carolyn Whetzel](#)

California will begin Aug. 5 accepting written comments on the [first draft state strategy](#) to comply with the federal Clean Power Plan.

Litigation challenging President Barack Obama's plan to reduce carbon emissions from existing power plants has prompted many states to halt efforts to develop compliance strategies. But California is committed to moving forward, California Air Resources Board Chairman Mary D. Nichols told Bloomberg BNA in an Aug. 3 e-mail.

"The CPP is intended to signal our belief that the Obama rule will ultimately be upheld and to reinforce our position in the D.C.. Circuit litigation that it is achievable and to encourage other states to move forward with their own plans, either using ours as a guide or doing their own thing," Nichols said.

California is among the states that have filed amicus briefs supporting the Environmental Protection Agency rule.

The state's draft compliance plan is still months away from becoming final. Written comments are due Sept. 19. An initial public hearing is set for Sept. 22, in Sacramento, where CARB's governing body will hear again from the public. A final vote on the proposal is planned for next spring.

In the works for over a year, California's strategy is based on its landmark economywide cap-and-trade program, mandatory greenhouse gas reporting rule, renewable portfolio standard and other climate and energy programs.

The proposal relies on continuing the trading program past 2020. Consistent with the Clean Power Plan, CARB is proposing to switch to two-year compliance periods instead of the current three-year periods. Also, the proposal requires state reporting and recordkeeping requirements be aligned with the federal program.

## **Ozone Implementation Proposal Sent for White House Review**

*Posted August 03, 2016, 11:32 A.M. ET*

By [Patrick Ambrosio](#)

The Environmental Protection Agency yesterday submitted its proposed implementation rule for the 2015 ozone standards to the White House Office and Management and Budget for review, indicating the agency is on track to release the proposal this fall.

The proposal is expected to address a range of requirements for state agencies tasked with implementing the 70 parts per billion ozone standards, including information on the timing of plan submissions and application of the nonattainment New Source Review permitting program.

States, industry and lawmakers have been critical of how long it's taken the EPA to issue all of the implementing rules and guidance under past national ambient air quality standards. For example, the final implementation rule for the 2008 ozone standards was not issued until early 2015. The agency anticipates issuing the implementation rule for the 2015 ozone standards in a more timely manner: a [timeline](#) on its website projects that a proposal will be released this October, with a final rule anticipated a year later.

## **Groups Want Clean Energy Credits in Low-Income Communities**

*Posted August 03, 2016, 2:54 P.M. ET*

By [Michael Bologna](#)

The Environmental Protection Agency should force states to allocate at least half of all credits available under the proposed Clean Energy Incentive Program (CEIP) to projects in low-income communities, dozens of environmental justice advocates said during a hearing today in Chicago.

Advocates also called on the EPA to develop rules emphasizing local control and local benefits for renewable projects receiving assistance under the CEIP (RIN:2060-AS84), which rewards states with additional emissions allowances or emissions rate credits for early efforts to comply with the Clean Power Plan. Such requirements, advocates said, would address the difficult legacy of environmental harm suffered disproportionately by Americans living in low-income and minority communities.

In addition, advocates speaking during the hearing recommended the EPA adopt a flexible definition of "low-income community," giving states and tribes wide opportunities to address the economic and demographic conditions within their control.

## **Corps Shouldn't Cite Stayed Water Rule in Draft Permits: Coalition**

*Posted August 03, 2016, 1:32 P.M. ET*

By [Amena H. Saiyid](#)

The U.S. Army Corps of Engineers should not cite the Clean Water Rule in proposed revisions to nationwide permits because a federal appeals court has stayed the rule, according to comments filed by the Waters Advocacy Coalition.

The coalition was [commenting](#) on a draft package of 50 nationwide permits (NWP) that the Corps issued June 1 to authorize dredge-and-fill activities in wetlands and streams with minimal adverse impacts for a variety of projects, including mining, home building, energy, agriculture and roads. The draft package of permits, once issued as final, would replace the 50 existing permits that were issued in 2012 and expire on March 18, 2017.

The U.S. Court of Appeals for the Sixth Circuit in October stayed the Clean Water Rule (RIN:2040-AF30), also known as the waters of the U.S. rule (WOTUS), pending its ongoing review of the rule's legality, Deidre Duncan, an attorney with Hunton & Williams LLP, told the Corps Aug. 1 on behalf of the coalition.

"Given the briefing schedule set by the Sixth Circuit, it is very unlikely that a final decision on the WOTUS Rule challenges will be issued before the Corps promulgates the final NWP," sometime before March 18, 2017, Duncan said. Until then, the Corps cannot incorporate the WOTUS rule's new jurisdictional definitions into the reissued nationwide permits or cite to the stayed regulations, she said.

## **Federal Court Dismisses Groundwater Poisoning Suit Against PG&E**

*Posted August 03, 2016, 3:46 P.M. ET*

By [Rachel Leven](#)

Hinkley, Calif., residents can't sue the Pacific Gas and Electric Co. over its alleged poisoning of an aquifer that is used for drinking water under civil rights law, a federal court [ruled](#) yesterday in 19 separate, related cases.

Federal drinking water law preempts civil rights law on this issue because it specifically regulates the harm of contaminants in public water systems, the U.S. District Court for the Central District of California said. Hinkley residents said groundwater that PG&E allegedly contaminated had "25 connections," meaning it constitutes a public water system, and claims must be addressed under the Safe Drinking Water Act, it said.

Hinkley residents, whose property is on top of the allegedly contaminated drinking water, have 21 days from the date of the order to file an amended complaint or voluntarily dismiss the case. Oscar Urbina, one of the residents who is representing himself pro se, and PG&E didn't immediately respond to Bloomberg BNA's messages requesting comments.

### **EPA Cooperated in House Science Panel's Air Travel Probe**

*Posted August 03, 2016, 2:14 P.M. ET*

By [Anthony Adragna](#)

Officials with the Environmental Protection Agency cooperated with the House Science, Space and Technology Committee's probe into air travel habits at the agency, documents show.

In March, EPA employees [provided](#) the committee with hundreds of pages concerning agency policies and procedures related to airplane travel, according to documents obtained under the Freedom of Information Act.

Then, several weeks later, the agency [sent](#) travel records and authorizations for Janet McCabe, the EPA's top air official. Rep. Lamar Smith (R-Texas), chairman of the committee, had questioned her "commitment toward furthering the reduction of carbon emissions" because she routinely flies home to Indiana on the weekends.

### **China Struggles Getting Renewables Onto Electric Grid**

*Posted August 03, 2016, 3:12 P.M. ET*

By [Michael Standaert](#)

China's wind and solar energy is growing faster than the country's power grids can handle, and in some cases much more quickly than the government can issue promised subsidies, threatening to slow the appetite of investors to keep pushing renewable electricity, according to experts.

While installed wind capacity in China has reached 140 gigawatts, the average number of hours that turbines generated power dropped in the first half of the year. And even though China has roughly twice the installed wind capacity of the U.S., it has less energy from wind power actually going into its grid.

"It is not because the wind isn't blowing but because it isn't being connected to the grid," Ed Hotard, senior adviser with the private equity firm Warburg Pincus Asia, said today at the China Green Finance and Investment Summit in Xining, Qinghai province. "About 18 percent of wind power is sitting idle" in China.

Grid-connected solar stands at around 65 gigawatts now in China, but similar problems are seen with grid access in certain areas.

### **PODCAST: The Graying of American Nuclear Power**

*Posted August 03, 2016, 12:36 P.M. ET*

By [David Schultz](#)

Many U.S. nuclear plants are nearing the end of their 60-year operational licenses. That means the power companies

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that own them will soon be faced with a tough choice: go through the arduous process of renewing these licenses for another 20 years or shut down the plants.

In a new episode of Bloomberg BNA's environmental policy podcast "Parts Per Billion," we speak with Bloomberg BNA energy reporter Rebecca Kern about what it takes to operate a nuclear power plant into its eighth decade and about whether it's even worth it financially for power companies to try.

The episode, "The Graying of American Nuclear Power", is available at <http://www.soundcloud.com/partsperbillion>.  
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